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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 JOHNNY RAY BURTON, and )  
18 DAWN MCCANN, )  
19 Defendants. )

No. CR 12-0406 MMC

**STIPULATION AND [PROPOSED]  
ORDER CHANGING HEARING DATE  
AND EXCLUDING TIME**

20  
21  
22 The Court has set November 14, 2012, as the date for a further status hearing or a change  
23 of plea in this matter. The parties have been waiting for additional discovery, namely, the DEA  
24 Lab Report on the testing of the controlled substance at issue, Gamma-Hydroxybutyric Acid  
25 (GHB). The DEA only recently provided this report, and it will be produced to the defendants  
26 shortly. The parties respectfully request that the hearing be put over to January 16, 2013, for a  
27 possible change of plea or motions and trial setting hearing.

1 The parties further request that time between these dates be excluded from any time  
2 limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation. *See* 18 U.S.C.  
3 § 3161(h)(7)(B)(iv).  
4

5 SO STIPULATED:

6 MELINDA HAAG  
7 United States Attorney

8 DATED: November 13, 2012

9 /s/  
10 KEVIN J. BARRY  
Assistant United States Attorney

11 DATED: November 13, 2012

12 /s/  
JULIA MEZHINSKY JAYNE  
Attorney for JOHNNY RAY BURTON

13 DATED: November 13, 2012

14 /s/  
GEORGE BOISSEAU  
Attorney for DAWN MCCANN

15  
16 ~~PROPOSED~~ ORDER

17 For the reasons stated above, the Court finds that exclusion from the time limits  
18 applicable under 18 U.S.C. § 3161 of the period from November 14, 2012 through January 16,  
19 2013, is warranted and that the ends of justice served by the continuance outweigh the best  
20 interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure  
21 to grant the requested exclusion of time would deny counsel for the defendant and for the  
22 government the reasonable time necessary for effective preparation, taking into account the  
23 exercise of due diligence, resulting in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

24 Further, the status conference is CONTINUED from November 14, 2012 to January 16,  
25 IT IS SO ORDERED. 2013, at 2:15 p.m.

26 DATED: November 14, 2012

27   
THE HONORABLE MAXINE M. CHESNEY  
United States District Judge